

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

GARY L. QUIGG,

Plaintiff,

vs.

DARRELL BELL, et. al.,

Defendant.

CV 17-35-GF-BMM-JTJ

ORDER

The Court allowed Plaintiff Gary Quigg to file a Second Amended Complaint on or before January 5, 2018. (Docs. 20, 22.) Quigg filed an Objection to the Court's Order on January 8, 2018. (Doc. 23.) The Court ruled on Quigg's objections and Quigg filed a Second Amended Complaint on July 25, 2018. (Doc. 25.)

Magistrate Judge John Johnston entered his Findings and Recommendations in this matter on December 26, 2018. (Doc. 26.) Quigg is a prisoner proceeding in forma pauperis. Judge Johnston reviewed Quiggs Second Amended Complaint under 28 U.S.C. §§ 1915, 1915A. Judge Johnston determined that Quigg's

Amended Complaint be served on the following Defendants: Nurse Vicki, Nurse Angie, PA Caruso, and Sheriff Linder. (Doc. 26 at 22-23.) Judge Johnston further recommended that Quigg's claims against the remaining Defendants be dismissed. *Id.* at 24-26.

Quigg filed a Motion for Extension of Time to File Objection to Judge Johnston's Findings and Recommendations on January 1, 2018. (Doc. 29.) The Court granted Quigg's motion on February 6, 2018. (Doc. 29.) The Court ordered that Quigg file his objections on or before February 28, 2019. *Id.* Quigg did not file objections to Judge Johnston's Findings and Recommendations.

Absent objection, this Court reviews findings and recommendations for clear error. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted). The Court finds no error in Judge Johnston's Findings and Recommendations.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 26) are **ADOPTED IN FULL**. Quigg's Complaint shall be served on the following Defendants: Nurse Vicki, Nurse Angie, PA Caruso, and Sheriff Linder.

IT IS FURTHER ORDERED that Quigg's claims against all remaining Defendants are **DISMISSED**.

DATED this 4th day of March, 2019.

A handwritten signature in blue ink, reading "Brian Morris". The signature is written in a cursive style with a horizontal line extending from the end of the name.

Brian Morris
United States District Court Judge

